

## REMARKS

1. Applicant thanks the Office for its remarks and observations, which have greatly assisted Applicant in responding.

2. **35 U.S.C § 101**

Claims 1, 3, and 7-21 are rejected as allegedly being directed to non-statutory subject matter. The Office points out that, in order to constitute statutory subject matter, the steps of a computer-implemented method must be tied to a machine. Responsive thereto, Applicant amends Claims 1,3 and 7-21 to conform to the Office's present understanding of 35 U.S.C § 101. The present rejection is therefore deemed overcome.

3. **35 U.S.C § 103**

Under *Graham*, establishment of a *prima facie* case of obviousness requires resolution of the following factors:

1. the scope and content of the prior art;
2. the level of ordinary skill in the art;
3. the differences between the claimed invention and the prior art; and
4. objective evidence of nonobviousness.

*Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966).

Claims 1, 3 and 6-25 are rejected as being unpatentable over Pricescan in view of U.S. patent application pub. no. 2002/0152134 ("McGlinn") and further in view of U.S. patent no. 6,594,666 ("Biswas"). Applicant respectfully disagrees.

Claim 9: The Office relies on Pricescan, pp. 3-12 as teaching or suggesting "wherein said comparison information includes user reviews." Applicant respectfully disagrees. While some of the cited pages make reference to reviews, there is no indication as to the source of the reviews. Accordingly, there is no teaching or suggestion in the combination of "wherein said comparison information includes user reviews."

Claim 12: The Office relies on Pricescan, pp. 3-12 as teaching or suggesting "wherein said comparison information includes electronic wallet comparison." Applicant respectfully disagrees. Applicant has diligently searched the referenced pages and finds no teaching or suggestion at all of electronic wallet comparison information. Accordingly, there is no teaching or suggestion in the combination of "wherein said comparison information includes electronic wallet comparison."

Claims 13 and 15: The Office relies on Pricescan, pp. 3-12 as teaching or suggesting "wherein said comparison information includes return policy comparison" and "in-store return and pickup policies of online purchases." Applicant respectfully disagrees. Again, Applicant has diligently searched the referenced pages and finds no such teaching. Accordingly, there is no teaching or suggestion in the combination of the relevant subject matter.

Claims 17 and 18: The Office relies on Pricescan, pp. 3-12 as teaching or suggesting "wherein said comparison information includes return policy comparison" and "promotions and coupon availability information." Applicant respectfully disagrees. Again, Applicant has diligently searched the referenced pages and finds no such teaching. Accordingly, there is no teaching or suggestion in the combination of the relevant subject matter.

Because the combination fails to teach or suggest the foregoing subject matter, the present rejection of Claims 9, 12, 13, 15, 17 and 18 is deemed improper. Said Claims are therefore deemed allowable over the combination. Claims 9, 12, 13, 15, 17 and 18 are cancelled from the Application, with their subject matter being incorporated into Claim 1 by amendment.

Because amended Claim 1 describes subject matter neither taught nor suggested by the combination, Claim 1 is deemed allowable over the combination. Claims 22 and 23 are amended in similar fashion to Claim 1. Accordingly, Claims 22 and 23 are deemed allowable for the same reason that Claim 1 is allowable. In view of their dependence from an allowable parent claim, the dependent Claims are deemed allowable without any separate consideration of their merits.

No new matter is added by way of the foregoing amendments. Such amendments are made only in the interest of advancing prosecution of the Application, in recognition of the Office policy of compact prosecution. Such do not constitute agreement by Applicant with the Office's position. Nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to

pursue patent protection of a scope it reasonably believes it is entitled to in one or more future submissions to the Office.

For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

### **CONCLUSION**

In view of the foregoing, the Application is deemed to be in allowable condition. Accordingly, Applicant seeks favorable reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he is encouraged to contact applicant's attorney at 650-474-8400.

Respectfully submitted,



Michael A. Glenn  
Reg. No. 30,176

Customer No. 22862